

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 GERALD A. ENGLER
Senior Assistant Attorney General
4 PEGGY S. RUFFRA
Supervising Deputy Attorney General
5 MICHELE J. SWANSON, State Bar No. 191193
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5703
Fax: (415) 703-1234
8 Email: Michele.Swanson@doj.ca.gov

9 Attorneys for Respondent

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 **TREMAYNE J. COLLIER,**

Petitioner,

15
16 v.

17 **ANTHONY HEDGPETH, Warden,**

18
19 Respondent.

C 07-5964 SI (PR)

**APPLICATION FOR LEAVE
TO FILE BRIEF IN EXCESS
OF 25 PAGES**

20
21 Pursuant to Civil L.R. 7-10(b), respondent hereby requests leave to file a brief in
22 excess of 25 pages, or 42 pages in all. Good cause for filing the oversized brief is set forth in the
23 accompanying declaration of counsel.

24 ///

25 ///

26 ///

27 ///

28 ///

Applic. for Leave to File Brief in Excess of 25 Pgs.

Collier v. Hedgpeth, Warden
C 07-5964 SI (PR)

1 Dated: June 25, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
7 Supervising Deputy Attorney General

8
9 /s/ Michele J. Swanson
10 MICHELE J. SWANSON
Deputy Attorney General
Attorneys for Respondent

11
12 20118266.wpd
13 SF2008400505
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EDMUND G. BROWN JR.
Attorney General of the State of California
DANE R. GILLETTE
Chief Assistant Attorney General
GERALD A. ENGLER
Senior Assistant Attorney General
PEGGY S. RUFFRA
Supervising Deputy Attorney General
MICHELE J. SWANSON, State Bar No. 191193
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5703
Fax: (415) 703-1234
Email: Michele.Swanson@doj.ca.gov

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TREMAYNE J. COLLIER,

Petitioner,

v.

ANTHONY HEDGPETH, Warden,

Respondent.

C 07-5964 SI (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
APPLICATION FOR LEAVE
TO FILE BRIEF IN EXCESS
OF 25 PAGES**

I, MICHELE J. SWANSON, declare under penalty of perjury:

I am a Deputy Attorney General for the State of California. I prepared the Memorandum of Points and Authorities in Support of the Answer to the Petition for Writ of Habeas Corpus.

Petitioner filed a 71-page Petition for Writ of Habeas Corpus. The Court found all twelve of the claims raised in the petition cognizable.

I responded to each of petitioner's claims as succinctly as possible in our brief. Several claims required a detailed discussion of the state court proceedings in order to analyze

1 the legal issues in factual context. Also, because petitioner did not specifically address the
2 impact of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) in his petition, it
3 was necessary to set forth the applicable standard of review both generally and as it applied to
4 the specific claims.

5 The state has an obligation to present this Court with all relevant arguments in order to
6 ensure that the final decision does justice to all parties. In order to meet that obligation, I
7 respectfully request leave to file a brief in excess of 25 pages, or 42 pages in all.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed at San Francisco, California, on June 25, 2008.

10
11 /s/ Michele J. Swanson
12 MICHELE J. SWANSON
Deputy Attorney General

13 20118269.wpd
14 SF2008400505
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **TREMAYNE J. COLLIER,**

Petitioner,

13 v.

14 **ANTHONY HEDGPETH, Warden,**

15 Respondent.
16

C 07-5964 SI (PR)

[PROPOSED] ORDER

17
18 GOOD CAUSE APPEARING, respondent's request for leave to file a brief in excess
19 of 25 pages is granted. Respondent's Memorandum of Points and Authorities in Support of the
20 Answer to the Petition for Writ of Habeas Corpus, 42 pages in all, shall be filed by the Clerk of
21 this Court.

22
23 Dated: _____

The Honorable Susan Illston

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Collier v. Hedgpeth, Warden**

No.: **C 07-5964 SI (pr)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On June 25, 2008, I served the attached **APPLICATION FOR LEAVE TO FILE BRIEF IN EXCESS OF 25 PAGES; DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR LEAVE TO FILE BRIEF IN EXCESS OF 25 PAGES; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Tremayne Collier
V-60930
Kern Valley State Prison
P.O. Box 5102 B3-130
Delano, CA 93216

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 25, 2008, at San Francisco, California.

D. Desuyo

Declarant

/s/ D. Desuyo

Signature